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10/660,963

09/12/2003

Terry O'Halloran

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6345

39207 7590 04/17/2007

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EXAMINER

WEBER, CHRISTOPHER STEVEN

ART UNIT

PAPER NUMBER

3714

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|----------------------------------------|-----------|---------------|
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/660,963

Applicant(s)

O'HALLORAN, TERRY

Examiner

Christopher S. Weber

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/9/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to applicant's amendment filed on March 2, 2007. Applicant amends claims 1, 2, 3, 7, 8 and 11; adds claims 12-17; and responds to claim objections and rejections. Claims 1-17 are currently pending.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7-9, 11-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hagiwara US Patent 4,805,907.

3. Regarding at least claims 1, 7, 9, 12, 15 and 17, Hagiwara discloses a processor that determines the result of a slot machine game having actual or simulated reels, Fig 1 & Col 3 Lines 28-31; at processor controlled times or time intervals (i.e. every 50 seconds), Col 2 Lines 52-61, a plurality of terminals (subordinate machines) that are each physically separate from the main processor, Fig 1 Item 9a-c, Fig 2, communicatively linked, Fig 1 Items 3, 4a-c,5; the outcome at each terminal is solely dependent on a single communal (common) result determined by the processor Col 3 Lines 28-31. All players' winnings are based on the single result displayed on the main display.

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4. Regarding at least claim 2, Hagiwara discloses that that coins will be paid out based on a preset payment rate Col 1 Lines 43-52 to each subordinate machine based on the bet placed at each machine and the single communal (common) result on the main display. Col 3 Lines 16-31.

5. Regarding at least claims 3, 8 and 13, Hagiwara discloses the use of at least one display coupled to a processor to display the communal result, Fig 1 item 6, Fig 2 Item 1.

6. Regarding at least claim 11, Hagiwara discloses that players only make wagers at respective terminals 7a-c in figure 1, whether or not wagers have been made at all terminals they still display the communal result. Col 2 Lines 44-64. So the reels will spin and stop regardless of the number of subordinate machines actively being wagered on; payments are based on wager at each individual terminal, Col 3 Lines 7-31.

7. Regarding at least claim 14, Hagiwara discloses that each terminal, Fig 1 9a-c, has its own display, Fig 1 Items 7a-c, that displays the communal result, Col 2 Lines 3.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 4-6, 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagiwara US Patent 4,805,907 as applied to claims 1, 3, 7, 12 and 15 above, in view of Bursill US Patent Publication 2006/0052149.

11. The rejections in view of Hagiwara have been discussed above. Hagiwara discloses assisting the players at each terminal by demonstrating the game, how to play and place wagers. Hagiwara does not explicitly disclose displaying remaining time interval or displaying selected data such as previous communal results.

12. Bursill discloses a different communal game of chance, roulette. In one embodiment of the Bursill players remotely join in a live roulette game. They are provided with a display which shows time remaining until next spin as well as the result of previous spins. Page 3, Paragraph 0046. It further discloses that after the time remaining is up the wheel is set spinning and the clock is reset to wait for the next communal result. Page 3 Paragraph 0048. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the remaining time function and result history function of the Bursill communal game of chance with the Hagiwara game of chance. Bursill discloses that a timing function is used to assist the players with betting. By combining the timing function with the Hagiwara game of chance the players would know how much longer they have to bet as well as know the time remaining to get their co-players to bet furthering the excitement and feeling of

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togetherness that Hagiwara talks about. Bursill also discloses that game history assists players. By combining the game history function with Hagiwara the players would be able to better decide whether they wanted to play on these machines as well as how much to bet.

13. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Response to Arguments***

14. Applicant's arguments filed March 2, 2007 have been fully considered but they are not persuasive. Applicant's first argument is that Hagiwara's games are initiated by coins. Whether or not this is true, it doesn't change the fact that the CPU/Processor in Hagiwara is what is determining the result and at time interval. Secondly Applicant argues that the CPU in the terminal is determining the outcome, making other terminals appear to be dependent upon another terminal and similarly that a player must be using a main machine in order for satellite machines to be engaged. Hagiwara teaches that there is a main CPU/Display/Machine, Fig 1 Item 1, the machine determines one single result and sends that result to the subordinate machine. The subordinate machines are

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not determining anything other than the individual payout based on individual betting.

No player is required to be at the Main machine for the system to operate. On the contrary Hagiwara discloses that all players make wagers at the subordinate machines or terminals.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Weber whose telephone number is 571-272-3064. The examiner can normally be reached on Monday - Friday 7am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CSW

Ronald Joneson  
Primary Examiner  
4/13/07